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RUEHUL/AMEMBASSY SEOUL 7745
RUEHKO/AMEMBASSY TOKYO 5305
RHHMUNA/CDR USPACOM HONOLULU HI
RHEHNSC/NSC WASHDC
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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 001083

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STATE FOR EAP, IO AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

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TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: BURMA PREPARES FOR THE NOVEMBER ILO GOVERNING BODY

REF: A. RANGOON 1042

[1](#)B. RANGOON 904
[1](#)C. RANGOON 722

Classified By: CDA Shari Villarosa for reasons 1.4 (b and d)

[1](#)1. (C) Summary: The ILO representative in Burma provided an update of labor issues in Burma. This included the progress he has been able to make working with the Minister for Relations (and now Minister of Labor), Aung Kyi. He warned Aung Kyi that the long prison sentences to labor activists would be viewed by the Governing Body as a violation of the Right of Association and the arrests of NLD activists reporting forced labor violations would be viewed as retaliation for their reporting. While the ILO had been able to work with the Labor Ministry to address some causal factors leading to forced labor complaints, the Labor Ministry admitted that they had no influence over the military to address the military's use of forced labor. He said the UN Country Team Report on Child Soldiers had been presented to the Burmese UN Permrep in Geneva for his government's comment, with the report to be distributed to UN Security Council members shortly for discussion by the Council at the end of the November. Marshall praised the UN Country Team for coming together to speak out about the political situation, and indicated that this would continue. Burma will receive a great deal of scrutiny over the course of November at upcoming ILO, UN, and ASEAN meetings, which will help us keep up the international pressure for reform. End Summary.

Cleaning Up for the November Governing Board Meeting

[1](#)2. (C) ILO Liaison Officer Steve Marshall invited Charge and the Ambassadors of UK, Australia and Singapore to lunch November 1 to discuss labor issues in Burma in preparation for the November Governing Body meeting. He said that he had been meeting often with Aung Kyi, just promoted to Labor Minister and also the designated Minister for Relations for dialogue with Aung San Suu Kyi. He frankly warned the Minister that Burma would receive a lot of scrutiny by the

Governing Body due to the recent global coverage of the Burmese protests, and highlighted two issues that should be corrected before the November meeting. Even though Freedom of Association was not part of his mandate pursuant to ILO's agreement with the Burmese regime, one-third of the Governing Body was made up of trade unions. For that reason, he informed Aung Kyi that the arrests of labor activists outside the American Center on May Day and the long sentences handed down to them would be interpreted by the trade unions as a violation of the Freedom of Association Convention to which Burma was a signatory.

13. (C) Marshall dismissed Aung Kyi's claims that they were sentenced for sedition rather than illegal assembly pointing out that the regime's designation of the Free Trade Union of Burma (FTUB), a recognized member of the global trade union movement, as terrorists would be interpreted as a charge that all trade unions are terrorist organizations. He advised Aung Kyi to dilute discussion of this by releasing the six activists. Marshall subsequently learned that Aung Kyi met personally with each of the six, according to their family members, and intimated that they might be released soon. Although they have not yet been released, he considered it remarkable that Aung Kyi met with the activists himself rather than sending a subordinate.

14. (C) Marshall also informed Aung Kyi that the Governing Body would view the arrest of three NLD activists from Rakhine State on October 13, the day after they met with Marshall in Rangoon to discuss possible forced labor cases, as retaliation for their reports. This would renew calls for the case of Burma, together with the harsh sentences given to the labor activists, to be sent to the International Court of Justice. Shortly after this discussion two of the three were

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released and the third, Win Aung, is still being held because he refuses to sign a statement promising to stay out of politics. Marshall predicted that Win Aung would be "evicted" from prison as the date for the Governing Body to meet neared.

ILO Progress to Date

15. (C) Marshall described the "reasonable progress" he has made with the Labor Ministry on some forced labor issues. He said that the instances of forced labor for community projects would be addressed by setting up village committees to discuss what needed to be done and solicit volunteers. Villagers primarily objected to the lack of consultation with them by village authorities as opposed to the provision of the labor, according the Marshall.

16. (C) With regard to larger road and bridge projects, Marshall said an overhaul of the infrastructure framework and how it is financed would be necessary before forced labor would completely stop. However, the Labor Ministry was working with the ILO to draft instructions and then arrange educational campaigns for people about what could and could not be requested. While the Labor Ministry is willing to take action against the local officials who ordered the work done, according to Marshall, it misses the root cause of the problem: the orders that come down from on high.

17. (C) Where Marshall could not cite much progress concerned forced labor by the military, primarily for sentry duty, portering, and child soldiers. Labor officials admitted to him that they have no influence with the military. He said when ILO provided very specific evidence about a child being taken, by whom, to which camp, the Labor Ministry could secure the return of the child to his family. He noted that the military would usually force the children to admit they lied about their age before releasing them to their families. He saw an 11-year-old, who looked 8, admit to being 19. He said they had managed to get seven children out over the past

six months, with another four or five outstanding cases. Marshall reported receiving about one complaint a week, with the Labor Ministry unable to do anything if only given a report of a missing child last seen with an unnamed soldier. Marshall found that people were more likely to report forced labor by the military if they did not return. For instance, porters often double as human land mine clearers. He speculated that if family members returned, the family was thankful enough and not willing to risk further retaliation by the military. Marshall expressed surprise that the ILO did not receive complaints of forced labor at military business enterprises, which he believed to be common, which he also attributed to fear of military retaliation.

Child Soldiers

18. (C) Marshall praised UN Country Team cooperation on Child Soldiers, led by UNICEF and ILO. He said that the UN Country Team had already submitted its report in New York to the Burmese UN Perm Rep. Burma would be allowed to comment, but whether or not they did, the report would be submitted by next week to UN Security Council members for discussion by the UNSC at the end of November. The UN Country Team never met with the Burmese committee set up under the lead of the Minister of Social Welfare, despite repeated requests. Similarly, they had no contact with the insurgent militias also suspected of using child soldiers. He expressed confidence that the Burmese would have to let the UN move forward and station staff around the country to both protect children and monitor the situation. Since ILO would be contributing to the financing of this staff, he said this more dispersed staff could also assist ILO gather more information about forced labor and make it easier for villagers to report abuses. Marshall said that former ILO liaison Richard Horsey would probably be asked to act as the

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Thailand-based coordinator, to work with the exiles and the insurgent groups.

UN Finally Becoming Politically Conscious

19. (C) Marshall described lively debates among the UN country team over the need to speak out about political problems in the wake of the August and September demonstrations. He said that some agencies feared their humanitarian work would be curtailed if they spoke out about the political situation. But the team united behind the concept that until the root causes were addressed, humanitarian assistance would only serve as band aids. Although the Foreign Ministry has objected strongly to the UN's October 25 press announcement, they have met twice with the UN Country Team, which Marshall considered the beginning of a dialogue. Asked if any UN agencies reported further restrictions recently, he said no. He ascribed tomorrow's invitation to the UN and diplomatic community for a discussion with the Planning Minister about economic development as another step forward in that dialogue. He said that the UN country team had told the Foreign Ministry that they needed to discuss the macropolicies, such as the macroeconomic situation affecting the country, in order to address the causal factors to the humanitarian crisis in Burma.

110. (C) He also explained that a wrong announcement of a human rights hotline set up by the UN in Rangoon proved fortuitous, with a UN staffer now receiving regular calls from the public giving the UN a better picture of what is happening than they ever had before. Charge and the Australian Ambassador suggested that a fulltime UN Political Officer based in Rangoon would also help, since his or her political mandate would be unambiguous.

Comment

¶11. (C) Marshall's positive view of his direct dealings gives the impression that Aung Kyi is pragmatic, willing to negotiate, and most importantly has the authority to negotiate. This should give us some hope that Aung Kyi's dialogue with Aung San Suu Kyi could lead to concrete progress, rather than the token gestures seen to date. Similarly the UN's willingness to acknowledge that the political situation has led to the humanitarian crisis is welcome. Too many of the UN agencies here preferred to leave their heads in the sand on the grounds that they were protecting their programs, while the situation of the people continues to deteriorate due to the gross mismanagement of the country by the Than Shwe regime.

¶12. (SBU) November will provide many opportunities to keep international attention on Burma: Gambari arrives in Rangoon on November 3, the ILO Governing Body meets November 1-16 (Marshall plans to go to Geneva at the conclusion of the Gambari visit), the ASEAN Summit takes place November 21, and then a UNSC discussion about child soldiers will take place at the end of the month. The Than Shwe regime will try to use each to claim it is cooperating with the UN and making progress on its roadmap. We should use each of those occasions to push for more.
VILLAROSA